

# **Public Notifications**

**Donna S. Marlin,  
Manager**

**Drinking Water Branch  
Division of Water**

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**47<sup>th</sup> Annual Water and  
Wastewater Operator's  
Conference**

# Public Notification (PN) Rule

- Owners and operators of public water systems are required to notify persons served when they:
  - Fail to comply with the requirements of the National Primary Drinking Water Regulations or regulations of 401 KAR Chapter 8;
  - Have a variance or exemption from the drinking water regulations; or
  - Are facing other situations posing a risk to public health.

# PN Rule

- Effective May 6, 2003.
- Kentucky must enforce federal regulations until state legislative process approves state regulations, which must be approved by EPA.
  - If federal regulations are not enforced, state grant money is at stake (helps keep the drinking water program running) and EPA would then enforce PN program in Kentucky.

# PN Rule

- The federal regulations set the requirements regarding the
  - Form,
  - Manner,
  - Frequency, and
  - Content of a PN.

## PN Rule: Form

- All contaminants have mandatory language that must be included in the PN.
  - Is considered health effects language.
  - Is frightening to almost everyone.

## PN Rule: Content

1. Description of the violation or situation.
2. When the violation or situation occurred.
3. **Potential adverse health effects.**
4. The population at risk.
5. Whether alternate water supplies should be used.

## PN Rule: Content

6. Actions consumers should take.
7. What is being done to correct violation/situation.
8. When the system expects to return to compliance.
9. Name, number and business address for information.
10. **Standard distribution language.**

# PN Rule: Consecutive Systems

- The system with the NOV is to notify any consecutive systems to which it sells water.
- The consecutive system is responsible for PN of its own customers.
  - Must comply with the time deadline for notification starting when the consecutive systems learns of the violation from the seller.
  - Must follow PN rule same as seller or for 2<sup>nd</sup> method can do a combined newspaper-type PN if all systems involved are included in the wording.



# PN Rule: Tiers

- PN rule has 3 tiers of violations based on public health impact.
  - Tier 1 immediate impact/risk
  - Tier 2 little immediate risk
  - Tier 3 minimal impact
- The individual tiers have specific notification and delivery requirements.

# PN Tier 1 (Acute MCL)

- Must consult with the state within 24 hours.
- Immediate health impact
  - Total coliform violations with confirmed E.Coli or fecal coliform contamination.
  - Nitrate, nitrite or total nitrate/nitrite.
  - Chlorine dioxide.
  - Treatment technique violations if elevated to tier 1 by state (if no consultation with state following a turbidity exceedance of  $> 5$  or  $>1$  NTU depending upon population).

## PN Tier 2 (Monthly or QTR)

- Systems with turbidity single exceedance TT violations must consult with the state within 24 hours after learning of the violation.
- Little immediate risk.
- Primarily MCL and TT violations.
  - This includes TTHMs, HAA5s and TOC.
  - Also would include other contamination violations such as inorganics, volatiles, synthetic organics, turbidity, lead/copper, bacteriological, etc.

# PN Tier 3 (Monitoring & Reporting)

- Violations and situations occurring within a given year may be consolidated into an annual notice.
- Minimal to no health risk.
  - Monitoring and reporting violations.
  - Testing violations.
  - Special notice for UCMR monitoring.
  - Special notice for fluoride secondary MCL exceedance.
  - Operating under a variance or exemption.

# PN Tier 1

- Notification:
  - Must notify within 24 hours of learning of the violation.
    - Issue the violation.
    - Consult with state.
  - Delivery by:
    - Broadcast media or
    - Posting or
    - Hand delivery or
    - Method approved by state.

# PN Tier 2

- Notification:
  - As soon as practical but within 30 days of learning of the violation.
  - If not resolved, must repeat every 3 months or on scheduled determined by the state.
- Delivery:
  - Community Water System
    - Mail or other direct delivery **and**
    - Any other method to reach all other customers (usually newspaper).
  - Non-Community Water System
    - Posting or direct delivery or mail **and**
    - Any other method to reach all other customers (usually newspaper).

# PN Tier 3

- Notification:
  - Within 12 months of the violation.
- Delivery:
  - Community Water System
    - Mail or other direct delivery **and**
    - Any other method to reach all other customers (usually newspaper) **or**
    - CCR, **IF** timing and distribution requirements are met.
  - Non-Community Water System
    - Posting or direct delivery or mail **and**
    - Any other method to reach all other customers (usually newspaper).

# PN Rule: Frequency and Manner (Consecutive Systems TOO!)

Tier	Deadline	Delivery Methods to Use	
1	24 hours	1. Broadcast media (radio or TV) or hand delivery or posting.	
		2. Another method as needed to reach others.	
2	30 days	CWS:	1. Mail or hand delivery. 2. Another method as needed.
		NCWS:	1. Posting, hand delivery, or mail. 2. Another method as needed.
3	1 year	CWS:	1. Mail or hand delivery. 2. Another method as needed.
		NCWS:	1. Posting, hand delivery or mail. 2. Another method as needed.



# PN Rule: Certification

- Submit to state within 10 days of completing the public notification.
  - System's name and PWSID number
  - Monitoring period covered by the notice
  - Violation number, type, and contaminants included
  - Explanation of how the system distributed the PN to customers. **LIST BOTH METHODS.**
  - Names and PWSID numbers of consecutive systems notified.
  - Verification of the 10 elements.
- If CCR is used as for the PN, separate certifications must be submitted for the CCR and the PN.

# DBP NOV Issues

- Tier 3 NOVs
  - Failure to monitor/missing data.
  - Failure to report.
  - Incorrect lab method.
  - Poor analytical data.
- Tier 2 NOVs
  - MCL or TT violations (discussed in next presentation).

# Avoiding DBP Tier 3 NOVs

- Make sure the samples are collected.  
(monitoring violations)
  - Right sample.
  - Right time to take sample.
  - Right sample point.
  - Right sample bottle/preservative.
  - Right transportation to lab (how delivered, received on time, if applicable).

# Avoiding DBP Tier 3 NOVs

- Make sure the samples are reported.
  - Follow up with laboratory if necessary.
  - Reports must be on time to state.
    - If sampled monthly, by the 10<sup>th</sup> of the following month.
    - If sampled quarterly, by the 10<sup>th</sup> of the month following the end of the quarter.

# Avoiding DBP Tier 3 NOVs

- Lab/data issues.
  - Missing data.
    - No sample results.
    - Missing fields on report form.
    - Illegible forms.
  - Poor data.
    - Data looks “odd” compared to historical data.
    - Data all looks the same.
    - Data looks reversed.
    - Negative data or non-detects when something should be detected.

# Avoiding DBP Tier 3 NOVs

- **Look at your data each time you receive it.**
  - If it looks odd, call lab and/or state.
  - Resample, if applicable.
  - Sample early in compliance period in case you have to resample.
  - All samples must be reported and will be averaged.
- Track your data and maintain historical records.
- Make sure you or your lab is collecting correct samples from correct points and getting all the data to the state.

# Avoiding DBP Tier 3 NOVs

- Be aware of your compliance status.
  - In compliance.
  - Out of compliance.
  - A trend that may put you out of compliance.
  - Seasonal trends.

**QUESTIONS????**





# Compliance Staff: 502/564-3410

Staff Person	PWS ID Numbers	Extension
Todd Ritter	001 – 024	586
Laura Meade	025 – 045	505
Jerry Pike	046 – 066	516
Bunnie Smith	066 – 089	417
Eric Sutton	090 – 117	658
Lora Gowins, Supervisor	118 – 120	555

# Enforcement Staff: 502/564-3410

Staff Person	Extension
Mark Cleland, Supervisor	174
Maxine Goebel	580

# PN Handbook

- EPA Public Notification Handbook
  - Much easier to read and use than the regulation.
  - Provides Sample PN templates.
  - Contains the mandatory language.
- Can obtain from EPA Hotline at 800/426-4791 or from website:  
**[www.epa.gov/safewater/pn.html](http://www.epa.gov/safewater/pn.html)**